

REMARKS

In response to the Office Action dated March 23, 2009, Applicant respectfully requests reconsideration. Claims 1-37 were previously pending in this application. By this amendment, Applicant is canceling claims 14, 17 and 35-37 without prejudice or disclaimer. Claims 1-3, 6-13, 15-16, 18, 20, 22, 23, 30-34 have been amended. New claims 38-40 have been added. As a result, claims 1-13, 15-16, 18-34, and 38-40 are pending for examination with claims 1, 18 and 35 being independent claims. No new matter has been added.

Rejections Under 35 U.S.C. §101

Claims 35-37 are rejected under 35 USC 101. Claims 35-37 have been canceled. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. §102

Claims 1-3, 18-20, and 35-37 are rejected under 35 USC 102(e) as being anticipated by Link et al., U.S. Patent No. 6,012,096 (Link).

Before responding to the rejection, Applicants provide a brief summary of the Specification of the present application and of the Link reference. This summary is not intended to characterize the claims or any of the terms used in the claims. This summary is not intended to dissuade the Examiner from reading the Specification and the references in their entireties, which the Examiner is encouraged to do.

Briefly, the Specification relates to a peer-to-peer collaboration system in which copies of shared data are maintained on computers used by collaborating members. Changes to the shared data are communicated from a computer where a change is made to the other computers participating in a collaboration session [0081].

The Specification describes that the peer-to-peer nature of such a collaboration system allows computers used by some members to receive change messages in an order other than the order in which they were generated, and possibly in an order different than the order received by other computers. In this environment it is a challenge to maintain data consistency in all computers that are part of the peer-to-peer system.

The Specification enumerates several goals in maintaining consistency of the data in the telespace. These goals include causality preservation, intention preservation and convergence [0097]. The Specification describes that, in order to facilitate ordering of change messages, each change message is encoded with dependency information that enables a device receiving change messages out of order to ensure that no change is applied to the shared data before a prior change on which that change depends has been applied [102].

Though, dependency information does not completely address all of the goals. Convergence means that copies of the data maintained by all the peer units are the same after executing the changes [100]. It may be the case, for example, that two (or more) changes may depend on the same prior change, such that dependency information does not indicate how to order those two changes. This condition is called a dependency collision [110].

To enable convergence, despite the possibility of dependency collisions, the Specification describes that endpoint designations are assigned hierarchically. Here, an “endpoint” refers to a member using a particular computer. Each endpoint that may initiate a change is assigned a unique endpoint designation. The endpoint designations are assigned hierarchically such that, despite a lack of centralized administration, it is possible to order endpoints from the designations. To resolve a dependency collision, each peer computer applies changes in an order based on the hierarchy of endpoint designations. As a result, all peer units will consistently apply changes in the same order [111-114].

To achieve a hierarchy of endpoint designations, when a member invites another member to join, the inviting member assigns an endpoint designation to the invited member. The endpoint designation of the invited member incorporates the endpoint designation of the inviting member and a number that indicates the order, relative to other endpoints invited by the inviting member, in which the invited member was invited to join the collaboration session. In this way, each endpoint designation will be unique and can be ordered relative to all others [111-112].

In contrast, Link does not relate to endpoint designations in a peer-to-peer collaboration system. Though Link mentions a peer-to-peer collaboration system, Link is concerned with identifying latencies between peers. In Link, these measurements are made to predict the experience of users playing a game in a peer-to-peer computing environment (col. 1, lines 6-10). The cited passages of Link (col. 5, lines 1-5) describes building a table of IP addresses of other players of a game. Link does not describe how these IP addresses are assigned, but does indicate

that they are selected for addition to the table based on computers being connected to a “zone lobby” (col. 4, line 66 – col. 5, line 11).

Differences between the Specification and Link are reflected in each of the independent claims, as highlighted below. Accordingly, the rejection should be withdrawn.

Independent Claim 1

Claim 1 recites limitations that distinguish over the reference, such as:

each designation of an endpoint of an invited member comprising:

(a) a value indicative of the order in which the invited member was invited by a respective inviting member to join the telepace; and

(b) a unique endpoint designation indicative of the respective inviting member.

Because Link does not relate to assigning endpoint designations by members in a telepace, Link cannot meet the limitations highlighted above reciting the format of these endpoint designations as they are assigned. Thus, claim 1 patentably distinguishes over Link.

Independent Claim 18

Claim 18 also recites limitations that distinguish over the reference, such as:

means for forming the telepace by inviting members to join the telepace; and

means for assigning a unique designation to each endpoint of each member of the telepace, each designation of a member comprising a portion indicative of the order in which the member joined the telepace and a portion indicative of an inviting member inviting the member to join the telepace

Because Link does not relate to inviting members to join a telepace or assigning endpoint designations to members, Link cannot meet the limitations highlighted above. Thus, claim 18 patentably distinguishes over Link.

Dependent Claims

Dependent claims 2-3 and 19-20 are also rejected based on Link. These claims depend from claims 1 and 18, which are believed to be in condition for allowance, and Applicants believe that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. Applicants do not, however, necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

Rejections Under 35 U.S.C. §103

Claims 4-17 and 21-34 are rejected under 35 USC 103(a) as being unpatentable over Link in combination of one or more additional references, including Grimm et al., U.S. Patent No. 5,828,843; Shear et al., U.S. Patent No. 6,112,181; Sharpe et al., U.S. Patent No. 5,898,834; Golberg et al., U.S. Patent No. 5,823,879 and Davis et al., U.S. Patent No. 6,030,288.

Applicants respectfully submit that these additional references do not cure the deficiencies of Link. Rather than relating to assigning endpoint designations as claimed, the references relate to disparate technology, such as: matching clients to servers (Grimm), matching based on rights management (Shear); updating remote platforms with update information (Sharpe); automating game play (Goldberg) and verifying honest gaming transactions (Davis).

Thus, even if Link were combined with one or more of the additional references, the combination would not meet all limitations of any of the claims.

New Claims 38-40

New claims 38-40 are supported by the Specification and should be entered. Support for the new claims can be found throughout the application, including at [111-117]. The new claims also distinguish over the art of record. For reasons that should be apparent from the discussion of the references, above, none of the references describes an approach of assigning and using endpoint designations as recited in the claims.

Thus, new claims 38-40 are in condition for allowance.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 23/2825 under Docket No. M1103.70271US02 from which the undersigned is authorized to draw.

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Respectfully submitted,

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